

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WARNER BROS. ENTERTAINMENT
INC., a Delaware corporation;
TWENTIETH CENTURY FOX FILM
CORPORATION, a Delaware corporation;
COLUMBIA PICTURES INDUSTRIES,
INC., a Delaware corporation; SONY
PICTURES HOME ENTERTAINMENT
INC., a Delaware corporation; LIONS
GATE FILMS, INC., a Delaware
corporation; PARAMOUNT PICTURES
CORPORATION, a Delaware corporation;
and DISNEY ENTERPRISES, INC., a
Delaware corporation,

Plaintiffs,

vs.

DOES 1 - 9,

Defendants.

CIVIL ACTION No. 05-350

PLAINTIFFS' MOTION FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(f)
CONFERENCE

Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26 and 45, the Declarations of Chad Tilbury, Thomas Carpenter and R. Christopher Harshman, and the authorities cited in the supporting memorandum of law, hereby move this Court for an Order granting Plaintiffs leave to take discovery prior to the Rule 26(f) conference.

In support thereof, Plaintiffs represent as follows:

1. Plaintiffs, among the world's leading motion picture studios, seek leave of the Court to serve limited, immediate discovery on third party Internet Service Providers ("ISPs") to determine the true identities of Doe Defendants, who are being sued for direct copyright infringement.


2. As alleged in the complaint, the Doe Defendants, without authorization, used an online media distribution system to download Plaintiffs' copyrighted works and distribute copyrighted works to the public, including by making copyrighted works available for distribution to others. Although Plaintiffs do not know the true names of the Doe Defendants, Plaintiffs have identified each by a unique Internet Protocol ("IP") address assigned to that Defendant on the date and time of the Defendant's infringing activity.

3. Plaintiffs intend to serve a Rule 45 subpoena on Comcast Cable Communications Management, LLC ("Comcast"), and any other entity that Comcast informs Plaintiffs was the actual entity providing network access and online services to the Doe Defendant, seeking each Defendant's true name, address, telephone number, email address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot identify the Doe Defendants or pursue their lawsuit to protect their copyrighted works from repeated infringement.

4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a Rule 26(f) conference where there are no known defendants with whom to confer.

WHEREFORE, Plaintiffs move this Court to issue an Order granting Plaintiffs leave to take discovery prior to the Rule 26(f) conference.

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